

Message Text

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TO AMEMBASSY NASSAU IMMEDIATE

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FOLLOWING FROM COMDT COGARD ACTION CCGDSEVEN MIAMI INFO
COMLANTAREA COGARD NEW YORK, NMFS WASHINGTON, DEPT OF STATE,
JULY 17

QUOTE UNCLAS E F T O FOUO

BAHAMIAN CONTINENTAL SHELF LOBSTER

A. CCGDSEVEN 141414Z JUL 75 PASEP

1. REF A WAS PASSED TO NMFS AND DEPT OF STATE HERE. NO COMMENTS HAVE BEEN RECEIVED. NOTICE TO FISHERMEN IS PRIMARILY RESPONSIBILITY OF DEPT OF STATE, AND NO NOTICE SHOULD BE GIVEN WITHOUT DEPT OF STATE CONCURRENCE.
2. THE FOLLOWING REVISED INFORMATION RELEASES PREPARED FOR POSSIBLE USE ARE ESSENTIALLY SAME AS THOSE CONTAINED IN REF A. THE REASON FOR EACH CHANGE IS GIVEN IN PARENTHESIS.
3. NOTICE PREPARED FOR POSSIBLE USE IN CASE THE BAHAMIAN LAW IS TO BE ENFORCED AGAINST U. S. FISHERMEN:

NOTICE TO SPINY LOBSTER FISHERMZN

ON JULY 9 1975 THE GOVERNMENT OF THE BAHAMA ISLANDS DECLARED THE SPINY LOBSTER A CREATURE OF THE CONTINENTAL SHELF UNDER A NEW LAW. THIS MEANS THAT U. S. FISHERMEN CANNOT FISH FOR SPINY LOBSTERS ON THE BAHAMIAN CONTINENTAL SHELF WHICH WILL INCLUDE THE BAHAMIAN BANKS AND ALL AREAS NEAR THE BANKS OR BAHAMIAN ISLANDS WHERE SPINY LOBSTERS MAY BE TAKEN. (THE LIMITATION OF THE EFFECT OF THE LAW TO WATERS "LESS THAN 100 FATHOMS DEEP" WAS DELETED ON THE LIMITED OFFICIAL USE
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ASSUMPTION THAT BAHAMIAN LAW REACHES, AS THE 1958 CONVENTION ON THE CONTINENTAL SHELF AND U. S. LAW DO, "TO WHERE THE DEPTH OF THE SUPERAJACENT WATERS ADMITS OF THE EXPLOITATION OF THE NATURAL RESOURCES.")

FISHERMEN WHOSE VESSELS ARE EQUIPPED TO CATCH LOBSTER CAN EXPECT TO BE STOPPED, BOARDED, AND SEARCHED ("SEARCHED" IS ADDED TO CLEARLY INDICATE SCOPE OF AUTHORITY) BY BAHAMIAN POLICE PATROLS. YOU MAY BE STOPPED, BOARDED, AND SEARCHED EVEN IF YOUR FISHING GEAR IS ON DECK AND YOU ARE UNDERWAY IN WATERS OVER THE BAHAMIAN CONTINENTAL SHELF: INSIDE OR OUTSIDE OF THE 12 MILE LIMIT. IF YOU HAVE LOBSTERS ABOARD, YOU CAN EXPECT TO BE ARRESTED. (THE THREE IMMEDIATELY PRECEDING SENTENCES GO BEYOND THE AUTHORITY CLAIMED BY THE UNITED STATES, BUT THEY REFLECT ACTUAL EXPERIENCE WITH BAHAMIAN ENFORCEMENT OF ITS EXCLUSIVE FISHING ZONE.) IF YOU RESIST ARREST, YOU CAN EXPECT FORCE TO BE USED AGAINST YOU. IF YOU ATTEMPT TO AVOID BOARDING BY FLEEING, YOU MAY BE PURSUED TO THE LIMITS OF ANY NON-BAHAMIAN TERRITORIAL WATERS. THIS MEANS THAT YOU MAY BE PURSUED BY BAHAMIAN AUTHORITIES RIGHT UP TO THE THREE - MILE LINE OFF THE COAST OF THE UNITED STATES AND SEIZED THERE. (THE TWO IMMEDIATELY PRECEDING SENTENCES WERE ADDED TO REFLECT PURSUIT AUTHORITY PRESENT IN COAST GUARD INSTRUCTIONS BUT NOT USED TO THIS TIME.)

THE NEW BAHAMIAN LAW IS VERY MUCH LIKE A UNITED STATES LAW THAT PROTECTS THE AMERICAN LOBSTER AS WELL AS CERTAIN SPECIES OF CRAB, SPONGE, CORAL, AND MOLLUSK FROM FOREIGN FISHERMEN. (SPECIES IN ADDITION TO AMERICAN LOBSTER ADDED TO GIVE FULL RANGE OF U. S. LAW.) THEREFORE, YOU SHOULD NOT EXPECT HELP FROM THE U. S. GOVERNMENT IF YOU GO TO THE BAHAMAS TO CATCH LOBSTERS. YOUR GOVERNMENT

IS DOING EVERYTHING POSSIBLE TO REACH AN AGREEMENT WITH THE BAHAMAS. (LANGUAGE DESCRIBING POSSIBLE FORM OF AGREEMENT DELETED TO AVOID RESTRICTION ON NEGOTIATIONS.) TALKS ARE NOW TAKING PLACE BETWEEN THE TWO GOVERNMENTS ON POSSIBLE SOLUTIONS.

FISHERMEN CAN HELP THE UNITED STATES GOVERNMENT IN OBTAINING A FISHING AGREEMENT WITH THE BAHAMAS BY NOT CAUSING TROUBLE WITH THE BAHAMIAN POLICE AND BAHAMIAN FISHERMEN. THE BEST WAY TO AVOID TROUBLE IS NOT TO FISH FOR LOBSTER ON THE BAHAMIAN CONTINENTAL SHELF AT THIS TIME. (NEW LANGUAGE SUBSTITUTED FOR "BAHAMIAN WATERS" WHICH MIGHT BE INTERPRETED TO REFER ONLY TO BAHAMIAN TERRITORIAL WATERS.) YOU SHOULD ALSO KEEP IN MIND THAT IF YOU COMMIT A VIOLENT ACT AGAINST ANYONE OR ANY VESSEL YOU CAN EXPECT TO BE SEVERELY LIMITED OFFICIAL USE
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PUNISHED UNDER UNITED STATES OR BAHAMIAN LAW OR BOTH. (REFERENCE TO BAHAMIAN LAW ADDED TO POINT OUT THE POSSIBILITY OF BAHAMIAN PUNISHMENT.)

4. NOTICE PREPARED FOR POSSIBLE USE IN CASE THE BAHAMIAN LAW IS NOT ENFORCED AGAINST U. S. FISHERMEN FOR SOME PERIOD:

NOTICE TO SPINY LOBSTER FISHERMEN

ON JULY 9 1975 THE GOVERNMENT OF THE BAHAMA ISLANDS DECLARED THE SPINY LOBSTER A CREATURE OF THE CONTINENTAL SHELF UNDER A NEW LAW. (DESCRIPTION OF POSSIBLE RESTRICTION DELETED BECAUSE UNKNOWN UNDER THESE CIRCUMSTANCES.) THE NEW BAHAMIAN LAW IS VERY MUCH LIKE A UNITED STATES LAW THAT PROTECTS THE AMERICAN LOBSTER AS WELL AS CERTAIN SPECIES OF CRAB, SPONGE, CORAL, AND

MOLLUSK FROM FOREIGN FISHERMEN. (SPECIES ADDED AS ABOVE.)

YOUR GOVERNMENT IS DOING EVERYTHING POSSIBLE TO REACH AN AGREEMENT WITH THE BAHAMAS. (LANGUAGE DESCRIBING POSSIBLE FORM OF AGREEMENT DELETED AS ABOVE.) TALKS ARE NOW TAKING PLACE BETWEEN THE TWO GOVERNMENTS ON POSSIBLE SOLUTIONS

THE GOVERNMENT OF THE BAHAMAS HAS AGREED NOT TO ENFORCE THE NEW LAW WHILE THESE TALKS ARE GOING ON, SO U. S. FISHERMEN CAN FISH ON THE BAHAMIAN CONTINENTAL SHELF OUTSIDE THE BAHAMIAN 12 MILE FISHING ZONE COMMENCING 1 AUGUST. (CHANGED TO REMOVE ANY INFERENCE THAT UNITED STATES ENCOURAGES SOME OF THE "USUAL" FISHING WHICH HAS BEEN WITHIN THE BAHAMIAN EXCLUSIVE FISHING ZONE.)

FISHERMEN CAN HELP THE UNITED STATES GOVERNMENT IN OBTAINING A FISHING AGREEMENT WITH THE BAHAMAS BY NOT CAUSING TROUBLE WITH THE BAHAMIAN POLICE AND BAHAMIAN FISHERMEN. THE BEST WAY TO AVOID TROUBLE IS NOT TO FISH WITHIN THE 12 - MILE FISHING ZONE OF THE BAHAMA ISLANDS. YOU SHOULD ALSO KEEP IN MIND THAT IF YOU COMMIT A VIOLENT ACT AGAINST ANYONE OR ANY VESSEL YOU CAN EXPECT TO BE SEVERELY PUNISHED UNDER UNITED STATES OR BAHAMIAN LAW OR BOTH. (REFERENCE TO BAHAMIAN LAW ADDED AS ABOVE.) UNQUOTE. KISSINGER

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